



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re U.S. Utility Patent Application of

Butz, Stephen

Art Unit: 2163

Appln. No. 09/976,481

Examiner: Charles Edward Lu

Filed: 12 October 2001

For: SOFTWARE SYSTEM FOR QUANTITATIVE MEASUREMENT AND
ACCOUNTABILITY FOR SOCIAL SERVICES

* * *

DECLARATION UNDER 37 CFR SECTION 1.137(b)(1)

The Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I, Dimitri Michel, being duly sworn, state that I was administrative assistant of the Law Offices of Royal W. Craig of which the managing partner, Royal W. Craig, is the attorney prosecuting the above-captioned case. I further declare and state the following.

1. The above-identified application appears to be abandoned for failure to file a timely and proper reply in a timely manner to an Office Action dated 03 November 2005. The subject Reply is shown by the Patent Office PAIR system to have been filed on May 5, 2006. While no Notice of Abandonment has issued, the Examiner has indicated that the subject Reply is considered to be late and a Petition must be filed.
2. I believe that I have properly and timely filed the Response. Mr. Craig handed me a signed Amendment and instructed me to file it by facsimile with mail confirmation. As I

was accustomed, I prepared the fax transmittal cover sheet to reflect the art unit facsimile number listed in the Official Action, which was 703-872-9306. When I tried this fax number I found that facsimile number to be non-functional. I called the art unit receptionist and was told that the art unit had moved to Alexandria. The receptionist gave me a new facsimile number 571-272-8594. I prepared another cover sheet and this time successfully faxed the Amendment to the new facsimile number [Appendix A "TX REPORT"]. All pages of the facsimile and the cover sheet are shown as having been successfully and timely transmitted on January 19, 2006 per the TX REPORT.

3. I called the Examiner to follow up by phone on April 5, 2006, and was informed that the Examiner had not received the Amendment. The Examiner requested a duplicate copy and I provided this by fax on April 5, 2006 [Appendix B].
4. I called the Examiner again to follow up by phone on May 10, 2006 and was informed that the Amendment could not be given proper credit because the 8594 number was not a central fax number. At this juncture the Examiner provided me with a central facsimile number 571-273-8300. I again faxed the Amendment to the central facsimile number 571-273-8300 [Appendix C].
5. I called the Examiner again to follow up by phone on May 11, 2006, and was informed that Amendment was considered untimely due to the fact that the January 19, 2006 transmission had gone to something other than a central fax number (apparently the Examiner's personal fax number).
6. Since I followed proper procedure, trying unsuccessfully to transmit to the art unit


Crystal City facsimile number listed in the Official Action, calling the art unit to get the correct fax number 571-272-8594, and successfully transmitting thereto, it is submitted that a timely filing date of January 19, 2006 should be accorded to the filing of the attached Amendment.

* * * * *

I declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true.

I further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or by both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-referenced patent application.

Respectfully submitted,


Dimitri Michel

Date 6/9/06

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APPENDIX A: "TX REPORT"

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 2068
DESTINATION TEL # 15712738594
DESTINATION ID
ST. TIME 01/19 14:39
TIME USE 05'33
PAGES SENT 27
RESULT OK

FACSIMILE COVER PAGE

Date: JANUARY 19, 2006

To: Primary Examiner: CHARLES E. LU - ph# 571-272-8594

Total Pages (including cover page):

Fax: 571-273-8594

From:

Law Offices of Royal W. Craig
10 North Calvert Street, Suite 153
Baltimore, Maryland 21202

Voice #: 410-385-2383

Fax #: 410-385-2385

MESSAGE

REF: 09/976,481

CONFIRMATION COPY WILL FOLLOW: YES (✓) NO ()

CONFIRMATION COPY VIA FIRST CLASS MAIL

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APPENDIX B

MODE = MEMORY TRANSMISSION

START=APR-05 12:57

END=APR-05 13:05

FILE NO.=774

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	8	15712738594	029/029	00:07:35

-OBER, KALER, GRIMES&SHRIVER-

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To: Primary Examiner Lu

From: Royal W. Craig

Fax: 571-273-8594

Pages: 29

File #: 09/976,481

Date: April 5, 2006

Re: BUTZ-PA

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APPENDIX C

MODE = MEMORY TRANSMISSION

START=MAY-10 10:17

END=MAY-10 10:23

FILE NO.=653

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	S	15712738300	031/031	00:06:08

-OBER, KALER, GRIMES & SHRIVER-

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To: Primary Examiner Lu

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Fax: 571-273-8300

Pages: 32

File #: 09/976,481

Date: May 10, 2006

Re: BUTZ-PA

Thank you

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